



# City of Norfolk

Office of the City Manager

C: Dir. Of Public Works, Planning and Utilities

July 11, 2006

To the Honorable Council  
City of Norfolk, Virginia

Re Encroachment – Awnings, banner poles,  
and cornices

Ladies and Gentlemen:

I. **Recommended Action:** Adopt ordinance.

II. **Overview**

This agenda item is an ordinance that would permit the encroachment into the public right-of-way for the placement of awnings, banner poles and cornices.

III. **Analysis**

A. **General**

Harbor Heights Land, L.C. has requested permission to encroach into the right of way at 121 College Place, 123 College Place and 260 Boush Street with awnings, banner poles, and cornices. The Departments of Public Works, Utilities, and Planning have reviewed the request and offer no objections. Plans have been reviewed and approved by the Norfolk Design Review Committee and the City Planning Commission.

B. **Fiscal**

There is no fiscal impact to the City related to this agenda item.

C. **Environmental**

Not applicable.

D. **Community Outreach/Notification**

Notification for this ordinance was carried out through the City's regular Council agenda process.

R-6


**IV. Board/Commission Action**

The City Planning Commission on April 13<sup>th</sup> recommended that City Council grant this encroachment.

**V. Conclusion**

The City Administration has reviewed this request and has determined that there are no negative impacts related to this request; therefore it is recommended that the City Council adopt the attached ordinance granting the encroachment.

Respectfully submitted,

  
Regina V.K. Williams  
City Manager

**Coordination/Outreach**

This letter has been coordinated with the departments of Planning, Public Works and Utilities.

Form and Correctness Approved:

By [Signature]  
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By [Signature]  
DEPT. Public Works**ORDINANCE No.**

AN ORDINANCE PERMITTING HARBOR HEIGHTS LAND, L.C. TO ENCROACH INTO THE RIGHT OF WAY AT 121 COLLEGE PLACE, 123 COLLEGE PLACE, AND 260 BOUSH STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Harbor Heights Land, L.C., and its successors and assigns, the owner of certain property as shown on Exhibit A, to encroach into the right of way of College Place and Boush Street with awnings, banner poles and cornices, as shown on Exhibit A attached hereto, subject to and contingent upon the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council.
- (2) That Harbor Heights Land, L.C., or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring it and naming the City of Norfolk as an additional party insured in the amount of at least \$1,000,000 (one million dollars) against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Harbor Heights Land, L.C., and its successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of property resulting from the maintenance, use, or existence of said encroachment; that evidence of such insurance shall be filed with the Risk Manager of the City of Norfolk.

- (3) That Harbor Heights Land, L.C., its successors and assigns, agrees to hold the City of Norfolk, including employees, agents, and contractors, harmless from damage caused in or by the encroached upon right of way.
- (4) That Harbor Heights Land, L.C., acknowledges that the City of Norfolk's operation, maintenance, repair, or replacement of utilities located within the encroached upon right of way may result in the removal, damage, or destruction of anything encroaching into such right of way and that the City of Norfolk is not responsible for any such damage, replacement or reinstallation costs.

Section 2:- That the failure of Harbor Heights Land, L.C., or its successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

Section 3:- That the use of said encroaching area shall be deemed an acceptance by Harbor Heights Land, L.C., and its successors and assigns, of all conditions to which the permission herein granted is subject.

Section 4:- That this ordinance shall be in effect from and after its adoption.

N 20°53'48" E 233.07'

$\sim 40' R/W \sim$   
(M.B. 56, P. 44)

PARCEL  
**21~A**

tabbies®

A

Page 1

S 69°38'22" E 50.52'

20.49'18" W  
2.00'  
S

NAIL

20.99

69.38'22"

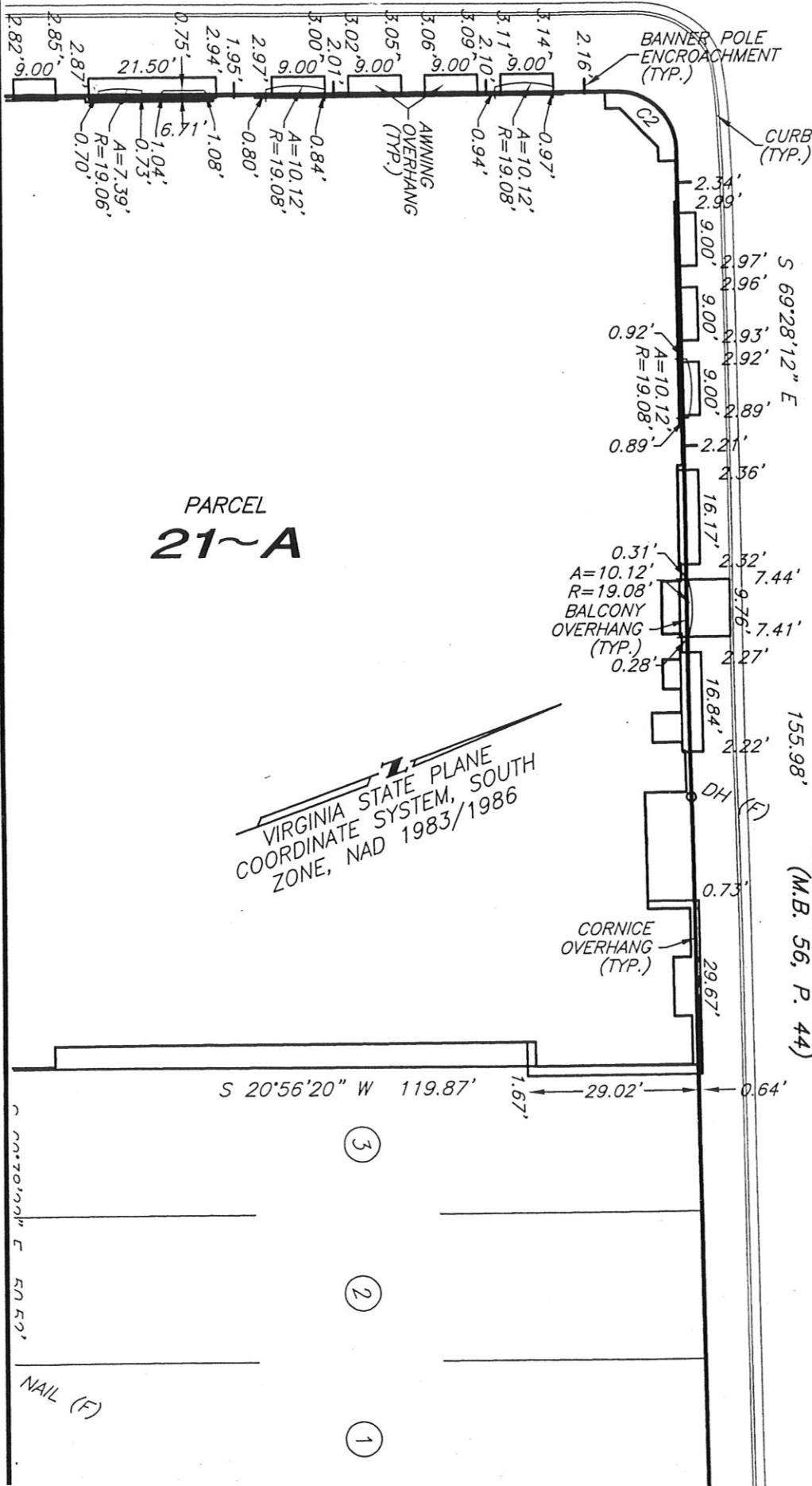
S 68°37'42"E  
5.00'

BANNER POLE  
ENCROACHMENT  
(TYP.)

1.13'

# BOUSH STREET

~ VARIABLE WIDTH R/W ~  
(M.B. 56, P. 44)



EXHIBIT

A  
page 2

COLLEGE PLACE

~ VARIABLE WIDTH R/W ~  
(M.B. 56, P. 44)